

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-1022

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United States of America,

Appellee,

v.

Kenneth A. Frazier, also known as  
Kenneth A. Frazier, Sr.,

Appellant.

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Appeal from the United States  
District Court for the  
Northern District of Iowa.

[UNPUBLISHED]

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Submitted: December 12, 1997  
Filed: December 24, 1997

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Before McMILLIAN, BEAM, and MURPHY, Circuit Judges.

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PER CURIAM.

Kenneth A. Frazier appeals his 188-month sentence imposed by the district court,<sup>1</sup> following his unconditional guilty plea to one count of possessing with intent to distribute methamphetamine. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and was granted leave to withdraw; Frazier did not avail himself of the opportunity to file a pro se supplemental brief. We affirm.

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<sup>1</sup>The Honorable Donald E. O'Brien, United States District Judge for the Northern District of Iowa.

Frazier seeks to challenge the district court's denial of his motion to suppress. By unconditionally pleading guilty, however, Frazier has waived his right to appeal the search and seizure issues. See United States v. McNeely, 20 F.3d 886, 888 (8th Cir.) (per curiam) (valid guilty plea waives all nonjurisdictional defects and defenses), cert. denied, 513 U.S. 860 (1994). Any claim of ineffective assistance of counsel relating to his guilty plea is more appropriately resolved in a 28 U.S.C. § 2255 proceeding. See United States v. Logan, 49 F.3d 352, 361 (8th Cir. 1995).

Having carefully reviewed the record, we find no other nonfrivolous issue for appeal. See Penson v. Ohio, 488 U.S. 75, 80 (1988). We remind counsel, however, of their obligation in filing an Anders brief. Such a brief must be done as an advocate for the appellant, not the government, and should refer to anything in the record that might arguably support the appeal. See Evans v. Clarke, 868 F.2d 267, 268 (8th Cir. 1989).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.